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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,468	11/05/2003	Sebastian Dull	080404.52840US	8800

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EXAMINER

WAKS, JOSEPH

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,468

Applicant(s)

DULL ET AL.

Examiner

Joseph Waks

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6,7,9,11,12,14,16,17 and 19 is/are rejected.
- 7) ☒ Claim(s) 3,5,8,10,13,15,18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0504</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

2. The information disclosure statement filed on November 5, 2003 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance regarding publication DE 3741891 A, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. The reference has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 6, 7, 9, 12, 14, 16, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durand (FR 2510737) in view of Burkhardt et al. (US 3,487,721).

Art Unit: 2834

Durand discloses invention as claimed: two internal-combustion combustion engines 26 and two generators 28 wherein the engines and the generators are mutually connected by way of distribution system 30, and electrical control devices 34 for controlling the distribution system, in the conditions were each of the two internal- combustion engines may drive any of the generators, or both internal-combustion engines together drive each of the two generators or one of the internal combustion engines may drive both generators together. However, Durand does not disclose the transmission gearing comprising several shifting clutches.

Burkhardt et al. disclose: internal-combustion combustion engines 1a, 1b and 1c and generators 9a and 9b, wherein the engines and the generators are mutually connected by the transmission gearing 5, 6a and 6b comprising several shifting clutches 2a, 2b, 2c, 16a and 16b for the purpose of selectively using the engines for driving auxiliary equipment in most economical manner.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the system as taught by Durand and to provide the transmission gearing comprising several shifting clutches as taught by Burkhardt et al. for the purpose of selectively using the engines for driving large auxiliary equipment in most economical manner where no stringent space restriction exist, like in tanker for example.

Re claims 2 and 4, the combined system includes the two essentially identically constructed partial gearings 6a and 6b, an engine-side shifting clutch 2a an 2b and a generator-side shifting clutch 16a and 16 b arranged in line with respect to one of the two internal-combustion engines and one of the two generators as shown by Burkhardt et al. The two partial gearings coupled through a transmission 5 are also capable of being coupled by way of a well

Art Unit: 2834

known in the art belt drive like for example one shown in cited US 2,223,703 reference to Potez.

The system is also constructed as an auxiliary output for pumps 12a and 12b as shown by

Burkhardt et al.

Allowable Subject Matter

5. Claims 3, 5, 8, 10, 13, 15, 18 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Re claims 3, 8, 10, 13 and 18, the feature of the shifting signals of the control devices for the shifting clutches being derived from power demand, assembly monitoring, and disturbance signals of the assembly operation, in combination with the other limitations present, are neither disclosed nor taught by the prior art of record.

Re claims 5, 15 and 20, the feature of the belt drive being driven by means of an external-network-fed electric motor whereby the assembly operates as an electromechanical transducer, in combination with the other limitations present, are neither disclosed nor taught by the prior art of record.

Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Waks whose telephone number is (571) 272-2037. The examiner can normally be reached on Monday through Thursday 8 am to 5 pm.

Art Unit: 2834

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph Waks
Primary Examiner
Art Unit 2834

12/21/04